

1 The Hon. Ricardo S. Martinez  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA, ) NO. CR12-0070RSM  
11 v. ) MOTION FOR ENTRY OF  
12 ALLEN J. CHIU, ) FINAL ORDER OF FORFEITURE  
13 Defendant. ) NOTE ON MOTION CALENDAR:  
14 ) December 14, 2012  
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Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Francis Franze-Nakamura, Assistant United States Attorney for said District, hereby respectfully moves the Court for entry of a Final Order of Forfeiture forfeiting the following property to the United States:

1. \$326,435.00, more or less, in U.S. funds, seized from Vanguard Brokerage Services Account Number XXXX2514, held in the name of Allen J. Chiu.

On August 10, 2012, this Court entered a Preliminary Order of Forfeiture in the above-captioned case forfeiting Defendant Allen Chiu's interest in \$306,277.76, more or less, in U.S. funds, seized from Vanguard Brokerage Services Account Number XXXX5899, held in the name of Allen J. Chiu. *See* Docket No. 31. However, in the Preliminary Order of Forfeiture, the amount of funds and the bank account number were incorrectly identified.

1       On August 15, 2012, the Court entered an Amended Preliminary Order of  
 2 Forfeiture as to Certain Property Seized from Allen Chiu to correct the property  
 3 description. *See* Docket No. 35.

4       The property is subject to forfeiture pursuant to Title 18, United States Code,  
 5 Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), because said  
 6 property constitutes or is derived from proceeds traceable to Wire Fraud, as charged in  
 7 Count 1 of the Information, in violation of Title 18, United States Code, Section 1343, to  
 8 which Allen Chiu pleaded guilty. In his plea agreement, the defendant agreed to the  
 9 forfeiture of the above-listed property.

10      Pursuant to Title 21, United States Code, Section 853(n), the United States  
 11 published notice on [www.forfeiture.gov](http://www.forfeiture.gov), for at least thirty (30) consecutive days,  
 12 beginning with September 22, 2012. In the publication, the United States published  
 13 notice of the Preliminary Order of Forfeiture and the intent of the United States to dispose  
 14 of the property in accordance with law. This notice further stated that any person, other  
 15 than the defendant, having or claiming a legal interest in the above-described property  
 16 was required to file a petition with the Court within sixty (60) days of the first date of  
 17 publication of notice, setting forth the nature of the petitioner's right, title, and interest in  
 18 the property.

19      All persons and entities believed to have an interest in the property subject to  
 20 forfeiture were given proper notice of the intended forfeiture. No petitioners or claimants  
 21 have come forth to assert an interest in the forfeited property and the time for doing so  
 22 has expired.

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1       Accordingly, the United States respectfully requests the Court enter a Final Order  
2 of Forfeiture, forfeiting the above-listed property to the United States. A proposed Final  
3 Order of Forfeiture is submitted herewith.

4                     DATED this 30<sup>th</sup> day of November, 2012.  
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6                     Respectfully submitted,

7                     JENNY A. DURKAN  
8                     United States Attorney

9                     *s/ Francis Franze-Nakamura*  
10                    FRANCIS FRANZE-NAKAMURA  
11                    Assistant United States Attorney  
12                    700 Stewart Street, Suite 5220  
13                    Seattle, WA 98101  
14                    Telephone: (206) 553-2242  
15                    Fax: (206) 553-6934  
16                    [Francis.Franze-Nakamura@usdoj.gov](mailto:Francis.Franze-Nakamura@usdoj.gov)

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2                   CERTIFICATE OF SERVICE  
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4                   I hereby certify that on November 30, 2012, I electronically filed the foregoing  
5 with the Clerk of Court using the CM/ECF system which will send notification of such  
6 filing to the attorney(s) of record for the defendant(s).

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8                   *s/Megan Seaborn* \_\_\_\_\_  
9                   Megan Seaborn  
10                  FSA Paralegal III, Contractor  
11                  United States Attorney's Office  
12                  700 Stewart Street, Suite 5220  
13                  Seattle, Washington 98101  
14                  Phone: 206/553-2473  
15                  FAX: 206/553/6934  
16                  E-mail: [Megan.Seaborn@usdoj.gov](mailto:Megan.Seaborn@usdoj.gov)